

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION**

Riversource Life Insurance Company, a
Minnesota Corporation,

Plaintiff,

v.

DeKalb Associates, LLC, an Illinois limited
liability company,

Defendant.

Case No. 3:22-cv-50192

Property Address:
2350 Sycamore Road
DeKalb, IL 60155

MOTION FOR ENTRY OF CONSENT JUDGMENT OF FORECLOSURE

Riversource Life Insurance Company, a Minnesota Corporation (“Plaintiff”), by and through its attorneys, Dinsmore & Shohl LLP, pursuant to 735 ILCS 5/15-1402, moves this Court for the entry of a Consent Judgment of Foreclosure and states as follows:

1. On June 7, 2022, Plaintiff commenced the present action by filing a Complaint for Foreclosure and Other Relief seeking, among other things, to foreclose its commercial mortgage (the “Mortgage”) on the property commonly known as 2350 Sycamore Road, DeKalb, IL 60155 (the “Property”). *See* Dkt. 1.

2. The Mortgage was executed by DeKalb Associates, LLC (the “Mortgagor”) and was recorded on January 28, 2008, with the DeKalb County Recorder’s Office.

3. The Property, which is the subject of the Mortgage, is legally described as follows:

PARCEL ONE:

LOTS 7 and 8A IN DEKALB MARKET SQUARE PHASE II, A
SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 12 AND
THE NORTH 1/2 OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4,
EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE
PLAT THEREOF RECORDED JANUARY 31, 1996 AS DOCUMENT
NO. 96001176, IN DEKALB COUNTY, ILLINOIS.

PARCEL TWO:

EASEMENTS FOR INGRESS AND EGRESS AND UTILITIES FOR BENEFIT OF PARCEL ONE AS DESCRIBED IN AND CREATED BY AGREEMENT RECORDED NOVEMBER 18, 1994 DOCUMENT 94015039 AND AS AMENDED BY DOCUMENT 96001395 AND BY DOCUMENT 96010117.

Commonly known as: 2350 Sycamore Road, DeKalb, Illinois 60115

Permanent Identification Nos.: 08-12-455-001 and 08-12-455-002

A true and correct copy of the Mortgage, as defined in the Complaint, is attached to the Complaint as Exhibit A. A true and correct copy of the Note, as defined in the Complaint, is attached to the Complaint as Exhibit B.

4. Mortgagor was duly served with a copy of the Complaint and Summons and appeared through counsel. *See* Dkts. 7 and 9.

5. Pursuant to discussions between Plaintiff and Mortgagor, it has been deemed in the best interest of Plaintiff and Mortgagor to enter into a Consent Judgment of Foreclosure to settle and resolve any and all outstanding issues regarding this litigation. *See* Stipulation for Consent Foreclosure, attached hereto as “**Exhibit A.**” Pursuant to 735 ILCS 5/15-1402, Plaintiff has offered Mortgagor a Consent Judgment of Foreclosure, which shall be entered herein, waiving any and all rights to a personal judgment for deficiency against Mortgagor and any other person(s) liable for payment of the indebtedness, and stipulating that the entry of said Consent Judgment shall operate as a satisfaction of the mortgage indebtedness and will vest absolute title to the subject real estate in Plaintiff’s assign, RiverSource REO I, LLC, a Minnesota limited liability company. Mortgagors have consented to the foregoing.

6. The interests of all remaining defendants, if any, are junior to the lien interest created by the Mortgage. As such, no party possesses good cause for objecting to the entry of a

consent judgment of foreclosure.

7. Pursuant to 735 ILCS 5/15-1402, Plaintiff requests entry of a recordable Consent Judgment of Foreclosure vesting title to the Property in RiverSource REO I, LLC, a Minnesota limited liability company, or its assignee. A proposed Consent Judgment of Foreclosure is attached hereto as “**Exhibit B.**”

Wherefore, Riversource Life Insurance Company, a Minnesota Corporation respectfully requests: (1) the entry of a Consent Judgment of Foreclosure in its favor; (2) issuance of finding that title to the Property is vested in REO I, LLC, a Minnesota limited liability company, or its assignee; and (3) such further and additional relief as this Court deems just and appropriate.

Dated: December 6, 2022

Respectfully submitted,

DINSMORE & SHOHL LLP

By: /s/ Alexander N. Wright

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